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ABSTRACT

The Federal Communications Commission (FCC) has made provision for three access channels in new cable television systems: one each for the public, educational authorities, and the local government. The success of these access channels in instituting a two-way relationship between the public and commercial broadcasting is dependent on the presence of adequate funds to provide effective programming. In the interests of protecting the public interest, the development of a new communications policy is necessary. In aiding the initiation of a socially conscious communications policy, two system proposals are particularly worthy of consideration. The Consumer Association of Canada (CAC) conceives the idea of the Community Information Network with the goal of creating non-profit public information systems that give primary attention to the user's needs. EDUCOM's System-3 proposal stresses the need for a two-way interactive system which calls for a collaborative effort between the public and private sectors and a synthesis of information gathering and communication. In order to provide access to information for individuals, the bulk of our attention should be focused on the reconsideration of cable television rules to be made by the FCC in 1977. (KS)

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CABLE TELEVISION AND THE PROMISE OF PUBLIC ACCESS

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CABLE TELEVISION AND THE PROMISE OF PUBLIC ACCESS

> Public access has a lot of shortcomings. I don't know how effective it is. It's a very attractive bastard child. Nobody is really taking responsibility for it and nobody is really caring for it.[1]

Access to media! The war cry gets louder and louder for an increasing number of people expressing concern about the individual citizen's involvement with and participation in this country's developing communications systems. The broadcasting media have developed as one way modes of communication. Very simply, the basic premise has been that the message always comes from "them" to "us." In television, the limits of our involvement with the medium have most often ended at the individual decision to turn on or off the set, or to switch channels. Beyond this, we have been told, in not so many words, that the public has little recourse in voicing opinion about what will be on their television sets. The movement towards more citizen access to media has been spurred on by the realization that this no longer need be the case.

To many, a strong democratic process is exemplified by a system where citizen input directly reflects and initiates media output. The access movement assumes an active rather

1

than passive role for the individual in the information dissemination process. That is, the individual can actually put (program) information into the system.

Public interest media groups were hopeful that a major breakthrough in the area of citizen access to media had occurred when the Federal Communications Commission made provision for the development of access channels. Specifically, the FCC has required, as of March 31, 1972, that each new cable system in the top 100 markets furnish three access channels; one each for the public, education and local government. For systems outside the top 100 markets, that began operating after March 31, 1972, municipalities can require the same minimum access provisions. Systems operating prior to the effective date of the rules have five years (until March 31, 1977) in which to meet the new requirements. These systems are said to be "grandfathered." But if at any time prior to the 1977 deadline they choose to take advantage of the new cable rules so as to carry additional broadcast channels they must also then carry the access channels.[2]

The FCC's access rules may well offer the public a potential for information and educational services never before realized by commercial broadcasting, however, the burden of realizing that potential remains firmly on the public. At the outset of the rulemaking, it was assumed that the development of the access channels was definitely a step in the right direction in so far as the public interest was concerned.

In light of the past three years experiences with the access channels, a re-examination of this assumption, at the very least, seems important at this time.

The need to re-examine the access provisions seems obvious when considering the relatively limited use which has been made of the access channels. In addition, the impending need to look at the matter now stems from the fact that the access rules proposed by the FCC are exploratory in nature. The rules are set for review by the FCC in 1977. The FCC, at that time, will either decide to keep the access provisions as they are, drop them, or change them. Cable operators are already designing tactical maneuvers to avoid compliance with the access rules by 1977. The FCC has called for comments on whether or not to postpone the March 31, 1977 deadline for compliance with the system rebuild requirements (access requirements included).[3]

THE FAILURE OF ACCESS

From the outset it appeared that public access was one of cable television's more encouraging prospects. The potential, certainly, is there. With programming created by local citizens for local citizens, and transmitted on cable channels dedicated for that specific purpose, there was hope by many that television may have finally found a way to present local issues and culture.

The FCC rules provide that public access channels must

be available on the first-come, non-discriminatory basis. Advertising, lotteries and obscene or indecent material are prohibited. The cable operator must provide facilities for live studio presentations for five minutes or less free of charge. Charges made for programs longer than five minutes, as well as other fee "must be consistent with the goal of affording the public a low cost means of television access."[4]

With these bare provisions as a framework, it appears that the FCC has put forth significant effort in an attempt to encourage citizen participation in cable television. Looking beyond the surface, however, reveals some fundamental problems. Successful public access requires a re-orientation of the public's concepts of television. Most people never conceive of themselves as using television for their own purposes. They are very much used to being acted upon by the medium. To most people television is still a land of electronic wizards and technical mysteries, thus the public's demystification will take time.

Access to communications technology does not necessarily bring along with it the ability to effectively communicate. A cable system can meet the FCC rules for public access by providing one static camera in a studio aimed at the public access soapbox. In addition, the cable operator need only give five minutes of free access time to each applicant, beyond this a fee may be charged. To say that producing effective programming under such conditions would be difficult

would be understating the case. Even with the advent of half-inch videotape portapak technology, the problems of producing effective programming remain. The television audience has been conditioned over years of watching commercial television to expect slickly produced programming. In order for public access programming to become effective necessitates that someone watch it. Experience shows that next to no one is watching. In fact, on a public access channel in New York, a program was cablecast accidentally without the sound. No one even called to complain or inform the operator of the error, which was discovered by the technician running the tape near the end of the program.[5]

For an audience to watch access programming, they have to be aware of when particular programs will be shown. The FCC rules have left wide open the problem of administering the public access channel and with it, the details of scheduling access programming. The cable operator is responsible for the administration of the channel unless the local ordinance makes provision and gains FCC approval for an alternate administrative system being set up for the channel.

Producing effective public access programming takes time, money and a certain level of technical sophistication. Only in New York City, where experimental public access program producers such as the Alternate Media Center, Open Channel, Videofreex, and the Raindance Corporation have been supported by grant monies, have the quality and quantity of programming

approached levels where the usefulness of the public access channels can be evaluated.[6] Even so, the widely varying opinions about the experiments in New York cannot lead to the designation of the public access experiences there as being either success or failure.

Over the past three years it seems that the concept of public access has had trouble getting off the ground. To be sure, there have been occasional bright spots and a great deal of enthusiasm generated around public access, however, from the start it has been plagued by inadequacies. Problems such as insufficient and questionable funding, poor planning, questions of who should take responsibility for administration of the public access channel, programming of poor technical quality and often boring content (except to those relatives and friends of the program producers), and no audience, when taken together, are enough to justify a reappraisal of the situation.

The educational access channels have been even more sparsely used than the public access channels. The FCC has specified only that the channel is for use by "local educational authorities."[7] The channel is not exclusively for the use of any one group-be it the public or educational broadcaster, a school or other educational group. It is up to the cable operator to decide who are the local educational authorities within the area they are serving. The local educational authorities must provide the programming for the

educational access channel to the cable operator who will cablecast the programming free of charge. The problem is that, for the most part, educational authorities have failed to take advantage of the channel availability. Even when the channels have been used, the problems which have plagued educational broadcasters for years remain. These problems, centering around the question of how to most effectively communicate through the programming, are fairly basic. Educational authorities have little money to purchase programming for the channels. Note that this is just for "purchasing" the programming, not "producing" it. Most of the program material which has been used on the educational access channels comes from the various instructional television libraries across the country. Some of this programming was not very good to begin with and is often unsuited to the specific needs of the local educational authority. Primarily for these reasons, programming is not purchased (even when funds are available) for use on the educational access channels. The problems of lack of funds and poor programming continue to haunt educators even in so far as the applications to the educational access channel go.

The overiding costs of developing the two-way interactive capabilities of cable systems for uses in education appears to be the major obstacle in front of the most promising use of the educational access channels.

Almost no use has been made of the local government

access channels. City council meetings and rather dated public service programming have made up the bulk of the programming fare on the government access channels. In-service training for government employees and discrete services for improvement of communication between government agencies appear to be the most promising uses of the government access channel. However, many local governments apparently feel that they can put their money to better use elsewhere.

The present situation with the access channels does cause a problem worth considering. The relative limited use of the channels points out the dimensions of the fallacies which had been built up when "blue sky" approaches to cable technology were more common. These "blue sky" proposals typically overlooked the economic realities of the cable television business. Not surprisingly, the National Cable Television Association has, all along the way, gathered its lobbying forces together in combatting any "blue sky" proposal which might be detrimental to the cable television industry's economic well-being. What is needed now is reconsideration and the development of a new approach to protecting the public interest in developing cable technology.

ACCESS TO INFORMATION AND COMMUNICATIONS POLICY

> One of the greatest advantages of the current communications revolution is that it provides a means to the knowledge economy in which growth is no longer synonymous with consumption of natural resources.[8]

The expanded channel capacity available in CATV systems is seen as potentially meeting the demands for increased capacity to transmit large amounts of information through our communications system. This changing orientation, from the one-way broadcast system to the possibilities offered by two-way information systems can mark a crucial difference in the way the public comes to think about the communication system. Communications policy should reflect this changing orientation and, even now, be anticipating the change. This potential for providing access to information may be one of the more important aspects of providing access to media. The United States has become a knowledge economy with information becoming the vital commodity.

We must face up to the fact that what is "needed now is a public communications policy designed to fill the informational needs of the American public for the rest of this century, and regulatory rules that reward those corporations that play a role in filling these needs."[9] A crucial point to be kept in mind when considering the development of communications policy is that in order for cable television to prosper, broadcast television must also prosper. In order for cable television to provide the facilities needed for information delivery and exchange, the cable systems themselves must be allowed to grow and mature. They can only do this by offering the subscriber what he wants. At the present time, the subscriber wants a wide selection of high

quality entertainment programs at a reasonable cost. In time, after this need has been met, the subscriber will come to want and eventually need and demand those other information services which are as yet beyond the horizon. These information services hold both great promise problems in terms of designing and eventually administering communication policy decisions.

Bagdikian has warned that "communications policy, like all public policy, cannot be made in a social vacuum."[10] One of the problems we must be aware of in effectively designing communications policy is the potential liklihood of expanding the information gap. Katzman has noted that "when communication techniques are applied to social problems, the political implications of the widening gap between the information-rich and poor become critical."[11] Katzman has further pointed out the relative ease of widening the information gap even when closing the gap is the goal of communications policy. Katzman states:

> New communication technolcgies do not automatically solve--and may aggravate--social problems because of unequal use,. . .With the adoption of a new communication technology, people who already have high levels of information and ability will gain more than people with lower initial levels. . . . The widening gap tends to be associated with initial economic and/or informational status more clearly than it is associated with personal ability . . . .New communication techniques create new information gaps before old gaps close.[12]

If the potential benefits of the new technologies (cable television included) are not deliverately developed for use by individuals, then widespread public access to improved information and communication is unlikely to be realized. Instead what is likely to happen is improved access to information on the part of businesses, governments and other institutions in ways which preclude easy access by the general public. If this happens, then the result would be a continuation of the trend which has been developing over the past several decades and which has seen technological change in fields other than communications create a widening gap between what the individual was likely to know and what he needed to know in order to participate in our society as a person, as a citizen or as a member of the labor force and in order to purchase and use intelligently the widening array of available consumer goods and services. Technological change in the communications industries has now created the possibility of substantially narrowing this gap. It is essential that communications policy should set up structures to increase the probability of narrowing the information gap. What form these structures should take is a matter of considerable debate, however it seems that certain system designs are worth considering in the developmental stages of formulating a more useful communications policy.

SYSTEM DESIGNS CONSIDERED

Improvements in communication and methods of handling

information can be brought about today when the expanded dimensions of telecommunications technology are combined with the storage and retrieval capabilities of computers. Such systems are already being developed, but it appears that little thought has been given to how they should be organized and coordinated to serve the public interest, and what the scope and quality of their content should be. In aiding the development of a socially conscious communications policy, two system proposals are particularly worthy of consideration; 1) the Community Information Network as proposed by the Consumers Association of Canada, and 2) the System-3 proposal by EDUCOM.

The Consumers Association of Canada (CAC) has conceived the idea of the Community Information Network with the goal of creating a network of information systems under non-profit sponsorship. The system is designed with the user (consumer), rather than the network owner, in mind. The philosophy behind the CAC design reveals:

> The revolution in communications technology is transforming the collection, storage, retrieval, transformation, analysis, and dissemination of information . . . .While it has not been possible to conduct extensive research on the planning for investment in public information systems in Canada, the explorations that have been made, together with evidence for the U.S., where innovation is likely to be used in a fashion which will allow its full benefits to reach the public. . . .Among the total resources being devoted to research and development of information systems, an inadequate proportion appears to being going into the development of systems for use by the general public. In short, both planning and

> development for the new methods of communication reflect, to date at least, a lack of determination and imagination in exploiting the potential benefits of the new technology in the public interest.[13]

CAC considers the speed of two-way communications made possible by telecommunications facilities (primarily cable based systems) linking computers to users and attempts to design a system which furthers the goal of making institutions more responsive to the needs of the persons they serve. The major stipulation made by CAC in proposing such a system is that it be both non-government and non-profit. The CAC proposal sees a large scale computer based communications system for the general public growing out of locally based community information networks. These local community information networks would, at the start, concentrate on disseminating information about consumer goods and services, job opportunities, education opportunities, government services available within the community, as well as other information of interest to the community. This type of public access to information is seen by CAC as being vitally important to the individual and family decision-making processes which are at the very heart of the economic system. CAC is pushing for the development of a system where individuals can have "simple, standardized, and low cost access and entry methods"[14] into the information network.

The consumer orientation of the CAC design is virtuous in light of the need to formulate socially beneficial

communications policy. The pragmatics of the proposal, however, are rudimentally left undefined. The only economic nuance CAC considers is based on system size. A larger system increases the economic feasibility in their "conclusion that a data base of sufficient scope and interest to generate a high volume of enquiries is essential if the cost per query is to be kept low."[15] The logistics of the network are also not make clear.

> Access to the network would be readily available in a variety of locations, as would opportunities to put information on the system. These locations might include libraries, shopping centres, citizens' advisory bureaus, offices and homes.[16]

The question of who pays for the system and who administers it is also left up in the air. Essentially CAC says that government will pay for it and offers no estimate of the costs. CAC sees a newly formed non-government, non-profit organization coming into existence to administer the system. In the United States, the problems which have occurred throughout the history of the Corporation for Public Braodcasting might help develop a case against such a proposal. The CAC information system proposal can serve as a focal point in developing communications policy, however in its unrefined state, it cannot be considered as a viable solution to the problems of access to information.

EDUCOM's System-3 proposal, too, needs to be considered in a similar light. The System-3 design, while much more

detailed than the design offered by CAC, still is suffering in its consideration of the machanical pragmatics needed for actually implementing such a system. Nevertheless, it represents an interesting approach towards developing a wholistic communications system which would meet future informational needs.

The System-3 proposal stresses the need for a two-way interactive system being developed much more than the CAC proposal. Structurally, the System-3 proposal is derived from the recognition of two major communications systems in the United States; 1) common carrier systems (telephone, telegraph, postal system), and 2) broadcasting (radio, television, cable television). EDUCOM comments on the artificial dichotomy presented by the division of the two systems:

> Economic considerations dictate that the technologies and the organization of the two communication systems closely reflect their functions. That fact, however, severely limits the ease with which society can extend the function of either system.[17]

System-3 attempts to bridge this gap by proposing a system design which calls for a collaborative effort between the public and private sectors. The Corporation for Public Broadcasting would be the representative of the public sector, as well as a partner and shareholder in the private sector's contribution to the system design.[18]

The rationale for the System-3 proposal rests on the relative success of non-profit information retrieval networks

(primarily in health and library sciences) combined with the potential offered by the computer based two-way interactive systems. The philosophical bases for the system link two concepts as being essential; 1) Broadgathering, and 2) Narrowcasting. Broadgathering refers to the system's "ability to collect data from many identified points."[19] The core of the System-3 network must be able to receive data from, and identify each individual terminal. Narrowcasting refers to the system's "ability to direct information from the center to some specified subset of the connected terminals."[20] Programming, or, in the stricter sense, information can be directed to any one individual terminal or group of terminals. In addition, taking into account the two-way interactive characteristic of the system, there would be the ability to direct information within a program to meet the needs of a particular viewer. This would occur after a certain action had been taken by the viewer. Perhaps the most mundane example of this would occur when the viewer chooses a particular answer to a question within an instructional program, and the following content (or consequences) is determined by the viewers initial response to the question. This capability of combining Broadgathering and Narrowcasting envisioned in the System-3 design is labeled "Extended Broadcasting."[21] The terminal needed in the System-3 design is very much like a color television set having "only 14 pushbuttons and a light to distinguish it from such sets."[22]

Each terminal is connected to the System-3 center. EDUCOMS describes the dimensions of such a center:

> The System-3 center contains equipment for generating images, deciding who gets what, manipulating slides and films and even calling for help. It is a display management center with library, file and computation capability equal to its task.... Needless to say, each System-3 center cannot contain all of the information represented by the union of such information centers. They do not have to. System-3 centers themselves can be inquiry stations on other System-3 networks. This interconnection pattern will permit the existence of substantively organizes centers. One will deal with poisons and another with art treasures. Each will use local, geographically organized, System-3 networks for their general information distribution function.[23]

System-3 centers will initiate programming as well as rebroadcast programming from outside the system.

EDUCOM divides the applications of such a system into two general areas; 1) public applications, and 2) private applications. Public applications include medical services, library services, instructional services, public safety and others. Some private applications include commercial computational services, and direct home marketing.

EDUCOM makes an attempt to consider some of the problems which would occur in developing System-3. In administering and directing the development of System-3, EDUCOM states:

> We strongly believe that either the Public Broadcasting Corporation or some other non-profit entity committed to extended broadcasting should participate in the establishment of the commercial corporations that will serve extended broadcasting. We

> believe that organizations analogous to the Public Broadcasting Corporation will come into being in the private sector. Broader in scope than now existing program distribution networks, we believe that these organizations will provide the nucleus for the commercial exploitation of extended broadcasting.[24]

EDUCOM foresees that CPB would coordinate the development of programming for the entire System-3 network. In addition, EDUCOM recommends that subsidies be offered to those corporations developing and marketing the terminals for System-3 until the cost per unit for each terminal comes down to a level affordable by the average consumer.

The most demanding problems with the development of a System-3 design center around the questions of regulation. EDUCOM seems aware of this, and proposes:

> The primary regulatory problems facing the development of extended broadcasting lie with the Federal Communications Commission. Neither fish nor fowl, neither common carrier nor broadcasting, System-3 communication must challenge both and demands either the establishment of a new bureau or an new agency.[25]

While the changes of creating a new agency seem quite remote at this time, the problem presented here serves to point out how the structural limitations imposed on the communications industries by the FCC can, in itself, be a potent force in developing communications policy.

DEVELOPING COMMUNICATIONS POLICY

More than any other factor, the expanding dimensions of "blue sky" applications of cable technology has brought to

the forefront the need for developing a wholistic public communications policy. In the past, the FCC has, in effect, made communications policy by structuring which industries can do what. With the increased development in new communications technologies, this approach can only serve to put limits on out growth. Although it has not outwardly been the case, the structuring of individual communications industries would seem to be the fundamental problem at the heart of most media critics' attacks.

It would seem that the FCC has been guilty of stratifying their approach to regulating communications in this country. Rather than considering the communications system as a whole entity, it has chosen to consider the radio industry, the television industry, the cable television industry, the telephone industry, and others as individual entities. This necessitates very essential problems when attempting to come to terms with an overall communications policy which seems more and more needed as the demand for access to information continues to increase. By considering individual communications industries apart from one another, the FCC has, in one sense, eased the pragmatics of regulation by forming categories. However, in terms of formulating communications policy and meeting the communications needs for this country, this appears to be an arbitrary and constricting approach to the process as a whole.

What, then, can be done? Taking into consideration that

it does not seem realistic at this time to consider a radical alteration in the structure of the communications policymaking bodies within our government, the bulk of our attention should be focussed on the reconsideration of the cable television rules to be made by the FCC in 1977. More attention needs to be directed towards making access to information for individuals (and this includes computer access to individual citizens) a basic tenet in our communications policy. A perspective should be taken which would key in on closing the information gap.

A tenable decision on the common carrier status of cable systems needs to be reached. It becomes more and more apparent with the expanding dimensions of cable technology that a common carrier status would be valid.

Unbiased estimates of the condition of the cable television industry need to be made before reconsideration or further rulemaking is initiated. Computer simulations of economic variables (expanded and updated in scope from the Comanor and Mitchell study[26]) need to be undertaken. The feasibilities of initiating two-way interactive systems needs to be investigated more fully. Policymaking should reflect the best method of moving quickly to install two-way communications capabilities where these would be desirable. Further, consideration needs to be given to a variety of issues. A summary of some of these follows:

> Consideration needs to be given to minimizing the private costs of purchasing and installing home terminals and

other means of access to information services so that the widespread distribution of these services to the public will become possible.

Consideration should be given to combining telephone and television communications and terminals in light of the capabilities offered by the recent rapid development of fiber optics and other cross industry technological developments.

Consideration should be given to developing easy access to communication and information services for those people who wish to contribute information into the system.

Consideration should be given to the development of community information channels to replace the function offered by the public, educational, and government access channels, with provisions made for either expanding channel capacity when needed and/or initiating two-way capabilities as a foundation for the channel.

Consideration should be given to undertaking a comprehensive investigation of the developing cable technologies and the possibilities offered by other related developing information technologies in order to determine the most pragmatic solution to our expanding informational needs.

Considerations such as these should be made prior to the FCC making any decisions with regards to the retention or dismissal of present rules.

Ideally, what is needed at this time is a reconsideration of the communications policymaking structures' ability to deal with the development of new technologies. What is proposed here is the formulation of an independently organized and funded commission, sufficiently broad in scope, to consider the present state of this country's communications needs and the development of regulatory structures which would demand that those needs be met. The commission might

also consider the effects of such regulatory structures on existing communications industries. It might be wise for the commission to consider a system designed by the fusing of the CAC Community Information Network and the EDUCOM System-3 proposal as a starting point in its discussions and eventual recommendations. The resulting recommendations by the commission should include a number of proposed solutions to implementing a socially conscious public communications policy which would meet the increased demand for access to information by individuals in an attempt to close the information gap in the face of widening technological development.

Whether such a commission ever develops, or whatever the directions the 1977 reconsideration of the cable rules by the FCC takes, it should be apparent that the consequences of continuing to base communication policy on past structures will continue to battle the public interest. The effects of doing this over a long period of time cannot be estimated, however, it cannot be denied that it will in come manner structure the flow of information within our society.

NOTES

[1]Rudi Stern, public access activist, as quoted in The Network Project, Cable Television: End of a Dream, Notebook No. 8. (New York: The Network Project, 1974), p. 11.

[2]U.S., Federal Communications Commission, "Cable Television Report and Order." Federal Register 37, No. 10, 12 February 1972, 3269-3270.

[3]"Citizen Groups Seek Second Concession in '77 Compliance Issue," Broadcasting, 7 April 1975, p. 91.

[4]FCC, 3269.

[5]"Open Access: What Happens?," Broadcasting, 1 May 1972, p. 47.

[6]For an interesting analysis of the programming on the public access channels in New York see: Alan H. Wurtzel, "The Electronic Neighbor: A Content Analysis of Public Access Channel Programming on a New York City Cable Television System," Queens College, Paper for presentation to the Speech Communication Association, Chicago, December 1974.

[7]FCC, 3270.

[8]Jon Shafer, Education and Cable TV (Bethesda, Md.: ERIC Document Reproduction Service, ED 071 432, 1973), p. 21.

[9]Ben H. Bagdikian, The Information Machines, (New York: Harper and Row, 1971), p. 258.

[10]Ibid.

[11]Nathan Katzman, "The Impact of Communication Technology: Promises and Prospects," Journal of Communication 24 (Autumn 1974), 57.

[12]Ibid., 47-58.

[13]Consumers Association of Canada, A Community Information Network (Bethesda, Md.: ERIC Document Reproduction Service, ED 054 834, 1971), pp. 3-6.

[14]Ibid., p. 15.

[15]Ibid., p. 17.

[16]Ibid., p. 20.

[17]Jerome J. Baruch, Interactive Television: A Mass Medium for Individuals (Bethesda, Md.: ERIC Document Reproduction Service, ED 057 609, 1969), p. 6.

[18]Ibid., p. 8.

[19]Ibid., p. 13.

[20]Ibid.

[21]Ibid., p. 16.

[22]Ibid., p. 14.

[23]Ibid., pp. 16 and 25.

[24]Ibid., pp. 63-64.

[25]Ibid., p. 64.

[26]W.S. Comanor and B.M. Mitchell, "Cable Television and the Impact of Regulation," Bell Journal of Economics and Management Science, (Spring 1971).

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